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C O N F I D E N T I A L SECTION 01 OF 02 ANKARA 000286

SIPDIS

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SUBJECT: FIVE OR SEVEN YEARS FOR PRESIDENT GUL'S TERM?: A
PRIMER

REF: ANKARA 264

Classified By: POL Counselor Daniel O'Grady, for reasons 1.4(b,d)

¶1. (C) Summary. Further examination regarding the timeline of the election of President Gul, the wording of the parliamentary decision after his election, and the constitutional amendment on direct presidential elections reveals no easy solution to the question of how long his term should be. Given the incompetent drafting of the lawmakers in 2007, political factors are likely to outweigh the law. Pollsters, journalists and AKP insiders disagree on how the Prime Minister views the issue or is likely to act. End summary.

2007 Election Timeline

¶2. (U) The following timeline highlights the sequence of events leading up to both President Gul's election and the passage of the constitutional amendment on the president's direct election for a 5-year term:

-- April 27, 2007: President Ahmet Necdet Sezer's term ended, and parliament held the first round of elections for the nominees. Abdullah Gul received 357 votes in the first round, but was not elected because 367 were required to win the election.

-- April 27, 2007: The CHP applied to the Constitutional Court, saying that in order to hold the election, there should also have to be a quorum of 367 voters present. The normal quorum under parliamentary procedures is one-third of the seats, or 184 members present.

-- 11:17 p.m. on April 27, 2007: The Turkish General Chief of Staff posted the infamous "e-memorandum" on its website, saying that anti-secular activities had increased during the election period and that the TGS would not refrain from exercising its legal authority. (Note: Yasar Buyukanit was the Chief of Staff at the time. End note.)

-- May 1, 2007: The Constitutional Court met and decided the CHP petition was correct and the quorum should be set at 367.

Consequently, the court also canceled the first round of the election.

-- May 11, 2007: The parliament passed a constitutional amendment saying the president would be directly elected for a 5-year term.

-- May 25, 2007: President Sezer vetoed the constitutional amendment.

-- May 31, 2007: Parliament overrode the veto with 370 votes.

-- June 15, 2007: President Sezer submitted the amendment to a general referendum.

-- July 22, 2007: The AKP called early elections, won with 46.66% of the vote.

-- August 20, 2007: Parliament begins the presidential election voting again. Gul is not elected in the first round.

-- August 24, 2007: Parliament holds the second round of voting. Gul does not win.

-- August 28, 2007: Parliament holds the third round of voting. Following the election, the parliament issued the following decision (No. 898): "At the Turkish Grand National Assembly General Assembly in its sixth session on August 28, 2007, Kayseri Deputy Abdullah Gul was elected president of the republic with 339 votes."

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-- October 21, 2007: Constitutional amendment on the president being directly elected to a 5-year term passes.

-- November 6, 2007: The AKP submits a draft law to the parliament regulating the methods and principles for election of the president under the new constitutional amendment. This draft is still pending debate and passage.

No Consensus Emerging

13. (C) Sources inside the AKP and analysts who follow it also do not agree on the issue. On January 29, AKP Vice Chairman for Election Affairs Haluk Ipek revealed he thought Gul's term would end in 2012. "The coming three years will be very busy ones for elections," he said. "In 2011, we have general elections, in 2012 we have presidential elections, and in 2013 we will have local elections." However, on February 18 AKP Deputy Secretary General Ismail Safi told us that inside the party there was no broad agreement on the issue. Also, he said, he did not believe Erdogan had made his position clear yet, but he did think that Erdogan himself would try to run for President (Note: This is a widespread assumption. End Note). On February 19 Hurriyet Deputy Ankara Bureau Chief Metehan Demir, who often travels with Erdogan, insisted to us that the issue of five-versus-seven years for Gul is a non-issue. What counts, he said, is what Erdogan thinks, and the PM has already indicated that it's five.

14. (C) Several contacts have told us that Erdogan wants Gul's term to end in 2012, but his public statements have been more nuanced. He has stated that the Supreme Election Board will make the ultimate decision -- which is viewed as his obvious disinclination to join those in AKP who believe Gul should serve for seven years. Several press commentaries suggest this reveals a "rift" in the party, but the divisions between Erdogan and Gul are hardly a new phenomenon, and the timing of the next presidential election would certainly be an issue that has only one winner. Still, the rivalry of the two founding AKP leaders may have ratcheted upward, leading one prominent pollster to tell us that there are now "rough winds blowing between them," that ministers are now openly identified as siding with one or the other, and that Erdogan

is using the timing of the Presidential election as his main leverage. The pollster suggested that the issue may hinge on whether AKP does well in the next general elections, now set for spring 2011.

Comment

15. (C) The question of the term of Turkey's sitting president has been on the shelf since 2007, but is drawing renewed and energetic attention now from both politicians and academics. The opposition will take advantage of the uncertainty around the issue. Given the incompetence of the Turkish lawmakers, who should have spelled out the impact of their changes on the sitting president -- or conversely, stipulated that he was grandfathered -- there are now compelling legal arguments on both sides. In the end, political factors are likely to trump law. In the meantime, as Hasan Tanla of Estima polling company told the Ambassador last week, the current debate provides an easy distraction from the country's ongoing economic woes.

Jeffrey

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